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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,616	02/12/2001	Mark C. Pace	19538-05563	9755
758	7590	08/18/2004	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			JONES, SCOTT E	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,616

Applicant(s)

PACE ET AL. 

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02272004</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1,3-9,16,18,19,23,25-31,38,40,41,45-54,61,63,64,68,69,71,78,80,81,91,93,94,98,105,107 and 108.

Continuation of Disposition of Claims: Claims rejected are 1,3-9,16,18,19,23,25-31,38,40,41,45-54,61,63,64,68,69,71,78,80,81,91,93,94,98,105,107 and 108.

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on May 26, 2004 in which applicant amends claim 71, cancels claims 10-15, 17, 20-22, 32-37, 39, 42-44, 55-60, 62, 65-67, 72-77, 79, 82-90, 92, 95-97, 99-104, 106, and 109-111, amends the specification, submits replacement drawing sheets for figures 1 and 3, submits declarations under 37 C.F.R. 1.131 for each named inventor, and responds to the claim rejections. Claims 1, 3-9, 16, 18-19, 23, 25-31, 38, 40-41, 45-54, 61, 63-64, 68-69, 71, 78, 80-81, 91, 93-94, 98, 105, and 107-108 are pending.
2. The declarations filed on May 26, 2004 under 37 CFR 1.131 have been considered but are ineffective to overcome the Kweitko et al. (U.S. 6,383,077) reference.
3. The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country ***prior*** to the effective date of the Kweitko et al. (U.S. 6,383,077) reference. (***Emphasis Added***). Applicants submit declarations under 37 C.F.R. 1.131 for each named inventor to anti-date Kweitko's filing date. However, the declarations do not submit that the claimed invention was conceived and reduced to practice prior to Kweitko's filing date, rather, the claimed invention was conceived and reduced to practice at least as early as October 3, 2000.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 4, 5, 6, 9, 16, 18, 23, 25, 26, 27, 28, 31, 38, 40, 45, 46, 47, 48, 49, 54, 61, 63, 68, 71, 78, 80, 91, 93, and 105 are rejected under 35 U.S.C. 102(e) as being anticipated by Kweitko et al. (U.S. 6,383,077).

Kweitko et al. discloses a computer assisted system and method useful in managing and directing the assignments of a pool of casino employees, game device service attendants and casino patron assistants, in accordance with the service requests issued by automated gaming machines either indicating the state of machine operation or the patron's request for attention issued at the machine via intra-casino communication devices which are serviced based on a logical process. Kweitko et al. discloses:

Regarding Claim 1:

- a decisioning system (central station 111) communicatively coupled to the communication devices (portable communication devices 21-1 to 21-n) to receive the events (scheduling service request), and including a plurality of rules (rules/items 1 to 5, in column 3, lines 14-21) for scheduling the events for service, the decisioning system selecting a primary service attendant from a plurality of service attendants for servicing each event (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1);
- a communication system communicatively coupled to the decisioning system to transmit a message to the primary service attendant selected for an event, the message indicating the service location at which the event is to be serviced

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(Abstract, figures 1 and 5, column 2, lines 62-65, column 3, lines 39-46, column 4, lines 4-16, and claim 1); and

- a plurality of message receivers, used by the service attendants, the primary service attendant using a message receiver to receive the message from the communication system, wherein the service locations are gaming machines, and the communication devices communicate game events to a gaming machine management system (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1).

Regarding Claims 3 and 25:

- the gaming machines are slot machines, and the communication devices are interface boards (communication adaptor) that communicate slot events to the slot management system (central station 111) (Column 3, line 7, column 4, lines 52-56, and figure 3).

Regarding Claims 4 and 26:

- wherein the communication system is a two-way messaging system, whereby the message receivers can transmit and receive messages (Figures 1 and 2, and column 4, lines 49-59).

Regarding Claims 5, 27, and 47:

- the primary service attendant can accept or decline to service an event using the two-way message receiver (Column 3, lines 5-61 and column 6, lines 10-30), A primary service attendant accepts to service an event by pressing a service complete switch (41) which returns the attendant back to the pool of available employees (Figure 2).

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- wherein: in response to the primary service attendant declining to service an event, the decisioning system selects a secondary service attendant for servicing the event, and the messaging system transmits a message to the secondary service attendant to service the event (Column 3, lines 5-61 and column 6, lines 10-30). A primary service attendant declines to service an event by virtue of processing another event. While processing another event, the primary service attendant is not made available from the pool of available employees.

Regarding Claims 6, 28, and 48:

- the primary service attendant can accept or decline to service an event using the two-way message receiver (Column 3, lines 5-61 and column 6, lines 10-30), A primary service attendant accepts to service an event by pressing a service complete switch (41) which returns the attendant back to the pool of available employees (Figure 2). and
- wherein: in response to the primary service attendant accepting to service an event, the decisioning system establishes the primary service attendant as being unavailable to service another event until the primary service provider completes service of the accepted event (Column 3, lines 5-61 and column 6, lines 10-30). A primary service attendant declines to service an event by virtue of processing another event. While processing another event, the primary service attendant is not made available from the pool of available employees.

Regarding Claims 9, 31, and 54:

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- at least one rule for scheduling events according to a type of event (Column 3, lines 5-61). The logical sequencing for scheduling events are based on at least one of rules/items 1 to 5, in column 3, lines 14-21, such as, jackpot, machine out of coins, jammed, or some other failure state signal.

Regarding Claims 16, 38, and 61:

- at least one rule for scheduling events according to a location of the service location (Column 3, lines 52-58).

Regarding Claims 18, 40, and 63:

- at least one rule for selecting a service attendant for servicing an event based on a location of the service location which generated the event and an assigned location of the service attendant (Column 3, lines 5-61).

Regarding Claim 23:

- a computer implemented decision making means communicatively coupled to the plurality of communication means for receiving the events, the decision making means scheduling a primary service attendant from a plurality of service attendants for servicing each event using a plurality of rules (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1);
- a messaging means communicatively coupled to the decision making means for transmitting a message to the primary service attendant selected for an event, the message indicating the service location at which the event is to be serviced (Abstract, figures 1 and 5, column 2, lines 62-65, column 3, lines 39-46, column 4, lines 4-16, and claim 1); and

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- a plurality of message receiving means, used by the service attendants, the primary service attendant using a message receiving means for receiving the messages from the messaging means, wherein the service locations are gaming machines, and the communication devices communicate game events to a gaming machine management system (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1).

Regarding Claim 45:

- means for transmitting from a gaming machine to a gaming machine management system a message pertaining to a game event at the gaming machine and for which a customer at the gaming machine needs service by a service attendant (Column 3, lines 5-61 and column 6, lines 30-51);
- means for receiving the transmitted message (Column 3, lines 5-61 and column 6, lines 30-51);
- means, coupled to obtain the transmitted message from the receiving means, for scheduling the game event, using a plurality of scheduling rules, for servicing by a service attendant (Column 3, lines 5-61 and column 6, lines 30-51);
- means for selecting a first service attendant for servicing the scheduled event (Column 3, lines 5-61 and column 6, lines 30-51); and
- means for transmitting a message to the first service attendant identifying the gaming machine to be serviced for the game event (Column 3, lines 5-61 and column 6, lines 30-51).

Regarding Claim 46:

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- transmitting from a communication device at a service location a message pertaining to an event at the service location and for which a customer at the service location needs service by a service attendant (Column 3, lines 5-61 and column 6, lines 30-51);
- receiving the transmitted message and scheduling the event, using a plurality of scheduling rules, for servicing by a service attendant (Column 3, lines 5-61 and column 6, lines 30-51);
- selecting a first service attendant for servicing the scheduled event (Column 3, lines 5-61 and column 6, lines 30-51); and
- transmitting a message to the first service attendant identifying the service location to be serviced for the event, wherein the service locations are gaming machines, and the communication device communicates game events to a gaming machine management system (Column 3, lines 5-61 and column 6, lines 30-51).

Regarding Claim 49:

- wherein the message from the first service attendant is transmitted from a communication device fixed at the service location (Column 6, lines 31-51 and column 3, lines 5-21). For instance, in rule/item 1, when a player at a slot machine depresses the change button on the slot machine this information is communicated to central station 111.

Regarding Claim 68:

- receiving from the service location, event messages pertaining to service location events (Column 6, lines 31-51 and column 3, lines 5-21); For

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instance, in rule/item 1, when a player at a slot machine depresses the change button on the slot machine this information is communicated to central station 111.

- scheduling selected events for servicing by service attendants using a plurality of scheduling rules (Column 3, lines 5-61 and column 6, lines 30-51);
- selecting a service attendant for servicing each scheduled event (Column 3, lines 5-61 and column 6, lines 30-51); and
- for each scheduled event, transmitting a message to the selected service attendant identifying the service location to be serviced, wherein the service locations are gaming machines, and the service location events include a jackpot at a gaming machine (Column 3, lines 5-61 and column 6, lines 30-51).

Regarding Claim 71:

- a decisioning system for scheduling the events for service, by receiving the events from the communication devices and using a plurality of rules to select a primary service attendant for servicing each event, to produce a periodically updated event service schedule (Column 3, lines 5-61 and column 6, lines 30-51);
- a communication system for transmitting a message to the primary service attendant selected for an event, by way of a two-way communication network, to produce a message indicating to the primary service attendant the service location at which the event is to be serviced (Column 4, lines 49-59, column 3, lines 5-61, column 6, lines 30-51, and figures 1 and 2) ; and

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- a plurality of message receivers, each service attendant having one of the message receivers, for receiving the message from the communication system, by way of the two-way communication network, to produce to the service attendant the message, wherein the service locations are gaming machines, and the communication devices communicate game events to a gaming machine management system (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1).

Regarding Claim 78:

- a decisioning system communicatively coupled to the communication devices to receive the events, and including a plurality of rules for scheduling the events for service, the decisioning system selecting a primary service attendant from a plurality of service attendants for servicing each event, wherein the rules of the decisioning system for scheduling events include at least one rule for scheduling events according to a location of the service location (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1);
- a communication system communicatively coupled to the decisioning system to transmit a message to the primary service attendant selected for an event, the message indicating the service location at which the event is to be serviced (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1); and

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- a plurality of message receivers, used by the service attendant, to receive the message from the communication system (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1).

Regarding Claim 80:

- a decisioning system communicatively coupled to the communication devices to receive the events, and including a plurality of rules for scheduling the events for service, the decisioning system selecting a primary service attendant for servicing each event, wherein the rules of the decisioning system for scheduling events include at least one rule for selecting a service attendant for servicing an event based on a location of the service location which generated the event and an assigned location of the service attendant (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1);
- a communication system communicatively coupled to the decisioning system to transmit a message to the primary service attendant selected for an event, the message indicating the service location at which the event is to be serviced (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1); and
- a plurality of message receivers, used by the service attendant, to receive the message from the communication system (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1).

Regarding Claim 91:

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- a computer implemented decision making means communicatively coupled to the plurality of communication means for receiving the events, the decision making means scheduling a primary service attendant for servicing each event using a plurality of rules, wherein the rules of the decision making means for scheduling events include at least one rule for scheduling events according to a location of the service location (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1);
- a messaging means communicatively coupled to the decision making means for transmitting a message to the primary service attendant selected for an event, the message indicating the service location at which the event is to be serviced (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1); and
- a plurality of message receiving means, used by the primary service attendant, for receiving the messages from the messaging means (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1).

Regarding Claim 93:

- a computer implemented decision making means communicatively coupled to the plurality of communication means for receiving the events, the decision making means scheduling a primary service attendant for servicing each event using a plurality of rules, wherein the rules of the decision making means for scheduling events include at least one rule for selecting a service attendant for servicing an event based on a location of the service location which generated

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the event and an assigned location of the service attendant (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1);

- a messaging means communicatively coupled to the decision making means for transmitting a message to the primary service attendant selected for an event, the message indicating the service location at which the event is to be serviced (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1); and
- a plurality of message receiving means, used by the primary service attendant, for receiving the messages from the messaging means (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1).

Regarding Claim 105:

- transmitting from a communication device at a service location a message pertaining to an event at the service location and for which a customer at the service location needs service by a service attendant (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1);
- receiving the transmitted message and scheduling the event, using a plurality of scheduling rules, for servicing by a service attendant, wherein the scheduling rules include at least one rule for scheduling events according to a location of the service location (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1);
- selecting a first service attendant for servicing the scheduled event (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1); and

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- transmitting a message to the first service attendant identifying the service location to be serviced for the event (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1).

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1, 3-9, 16, 18-19, 23, 25-31, 38, 40-41, 45-54, 61, 63-64, 68-69, 71, 78, 80-81, 91, 93-94, 98, 105, and 107-108 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-48 and 52-75 of copending Application No. 09/782,677. Although the conflicting

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claims are not identical, they are not patentably distinct from each other because in the instant invention, it would be obvious for the decisioning system to have a rule for scheduling service that takes into account at least a value of the customer at a service location.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

8. Applicant's arguments filed May 26, 2004 have been fully considered but they are not persuasive with regards to the rejection to claims 1, 3, 4, 5, 6, 9, 16, 18, 23, 25, 26, 27, 28, 31, 38, 40, 45, 46, 47, 48, 49, 54, 61, 63, 68, 71, 78, 80, 91, 93, and 105 are under 35 U.S.C. 102(e) as being anticipated by Kweitko et al. (U.S. 6,383,077).

9. Applicant's argument, see page 2, filed May 26, 2004, with respect to the objection to the specification has been fully considered and is persuasive. The objection of the specification has been withdrawn.

10. Applicant's arguments, see page 19 and the replacement drawing sheets for figures 1 and 3, filed May 26, 2004, with respect to the objections to the drawings have been fully considered and are persuasive. The objections of figures 1 and 3 have been withdrawn.

11. Applicant's arguments, see pages 11 and 19, filed May 26, 2004, with respect to the objection to claim 71 has been fully considered and is persuasive. The objection of claim 71 has been withdrawn.

12. Regarding claims 1, 3, 4, 5, 6, 9, 16, 18, 23, 25, 26, 27, 28, 31, 38, 40, 45, 46, 47, 48, 49, 54, 61, 63, 68, 71, 78, 80, 91, 93, and 105 which are rejected under 35

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U.S.C. 102(e) as being anticipated by Kweitko et al. (U.S. 6,383,077), Applicant alleges Kweitko cannot qualify as prior art under 35 U.S.C. 102(e) if the claimed subject matter was invented before Kweitko's filing date of October 3, 2000. Applicants submit declarations under 37 C.F.R. 1.131 for each named inventor to anti-date Kweitko's filing date. However, the declarations do not submit that the claimed invention was conceived and reduced to practice prior to Kweitko's filing date, rather, the claimed invention was conceived and reduced to practice at least as early as October 3, 2000.

13. Applicant's arguments, see page 20, filed May 26, 2004, with respect to the provisional rejection(s) of claim(s) 1, 3-23, 25-69, and 71-111 under 35 U.S.C. 101 as claiming the same invention as that of claims 1-48 and 52-75 of copending Application No. 09/782,677 have been fully considered and are persuasive with regards to those claims not cancelled by the instant amendment. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made to claims 1, 3-9, 16, 18-19, 23, 25-31, 38, 40-41, 45-54, 61, 63-64, 68-69, 71, 78, 80-81, 91, 93-94, 98, 105, and 107-108 as being provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-48 and 52-75 of copending Application No. 09/782,677.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott E. Jones
Examiner
Art Unit 3713

sej

A handwritten signature in black ink that reads "Scott E. Jones". The signature is written in a cursive style with a large, stylized "S" and "J".